

REMARKS

Applicants request consideration of the references listed on the PTO-1449 forms filed 3/31/04 and 10/01/04. The Examiner has declined to consider these references, stating that copies of the foreign and non-patent references must be submitted. However, as noted in Applicant's IDS's, under 35 USC §120, this application relies on the earlier filing date of application serial number 09/936,859, filed on November 15, 2001. The references referred to by the Examiner were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application, as permitted by 37 CFR 1.98(d). Applicant respectfully requests that initialed copies of the 1449 forms be returned to Applicant with the next communication from the Examiner.

Dependent claim 20 has been added. Support for this claim is found at page 21, line 1 of the published PCT application.

Claims 1, 3, 5-8 and 10-19 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting. While not conceding the propriety of this rejection, Applicant is submitting a terminal disclaimer herewith in order to expedite prosecution. It is believed that this obviates the rejection, and thus allowance is respectfully requested.

Please apply any charges, including the Extension of Time fee, or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-283US2.

Applicant : Derek Shaw et al.
Serial No. : 10/815,014
Filed : March 31, 2004
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Attorney's Docket No.: 06275-283US2 / Z70673

Respectfully submitted,

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